IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14262 of 2004

Between:

Sirisha Samabhavana Sangam, F.P.Shop No.III of Chalakurthy (V), Peddavoora (M), of Nalgonda Dist.

..... PETITIONER

AND

1 The Revenue Divisional officer, Miryalaguda, Nalgonda Dist.
2 The Mandal Revenue officer, Pedavoora(M), Nalgonda Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the notification No.E2/1683/2004 dt.12-7-2004 issued by 1st respondent in so far as the petitioner's Fair price shop is concerned i.e., shop No.III of Chalakurthy (V) Pedavoora(M) of Nalgonda District as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to continue the petitioner as F.P. shop dealer as usual since she is having valid and subsisting authorization.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following Order:

The petitioner seeks a Writ of *Mandamus* declaring the notification dated 12-07-2004 issued by the first respondent-Revenue Divisional Officer, Miryalaguda, Nalgonda District for appointment of the dealer in respect of the Fair Price Shop No.III of Chalakurthy Village, Pedavoora Mandal, Nalgonda District, as arbitrary and illegal.

The fact that the petitioner was appointed only as a temporary dealer of the said Fair Price Shop is not in dispute. However, the petitioner states that in pursuance of the said appointment, an authorisation was issued in its favour on 21-01-2003, which is valid up to 31-03-2006. Therefore, according to the petitioner, the respondents are not entitled to make any appointment on permanent basis as long as the authorisation is subsisting.

I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

The law is well settled that the temporary dealer does not acquire any right for appointment on permanent basis. The appointment being purely on temporary basis, it ceases to be valid automatically when once the vacancy is notified and permanent appointment is made following due process of law. The authorisation issued to the dealer is only for the purpose of obtaining and supplying the scheduled commodities in

accordance with the provisions of the Central Orders and it does not confer any right to continue as dealer when the appointment itself ceases to be valid.

In the circumstances, I do not find any merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

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25-10-2004

kdl

To

1 The Revenue Divisional officer, Miryalaguda, Nalgonda Dist.
2 The Mandal Revenue officer, Pedavoora(M), Nalgonda Dist.

3 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad (OUT).

4 Two C.D. Copies.